

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: PENNSYLVANIA TITLE	:	CIVIL ACTION
INSURANCE ANTITRUST LITIGATION	:	
	:	NO. 08-01202
	:	

**Order**

And now, this 21st day of July 2009, upon consideration of defendants' motion to dismiss (Doc. No. 57), plaintiffs' response thereto, and defendants' reply, **IT IS HEREBY ORDERED** that defendants' motion to dismiss plaintiffs' complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) is:

1. **GRANTED** as to claims for damages against all defendants;
2. **DENIED** as to claims for injunctive relief against defendants Fidelity National Title Insurance Company, Chicago Title Insurance Company, Ticor Title Insurance Company, Ticor Title Insurance Company of Florida, First American Title Insurance Company, Censtar Title Insurance Company, United General Title Insurance Company, T.A. Title Insurance Company, Commonwealth Land Title Insurance Company, Commonwealth Land Title Insurance Company of New Jersey, Lawyers Title Insurance Corporation, Transnation Title Insurance Company, Stewart Title Guaranty Company, National Land Title Insurance Company, Old Republic National Title Insurance Company, and American Guaranty Title Insurance Company; and
3. **GRANTED** as to claims for injunctive relief against defendants Fidelity National

Financial, Inc.; First American Corporation; Stewart Information Services Corporation; and Old Republic International Corporation;

and to the extent the motion is granted, plaintiffs' complaint is **DISMISSED** with prejudice as to claims for damages and without prejudice as to claims for injunctive relief against Fidelity National Financial, Inc.; First American Corporation; Stewart Information Services Corporation; and Old Republic International Corporation. Plaintiffs may file an amended consolidated complaint against said defendants within 20 days of the date hereof; otherwise these claims are also dismissed with prejudice.

And upon consideration of motions to dismiss from defendants Stewart Information Services Corporation (Doc. No. 56) and Old Republic International Corporation (Doc. No. 58), **IT IS HEREBY FURTHER ORDERED** that defendants' motions to dismiss plaintiffs' complaint pursuant to Federal Rule of Civil Procedure 12(b)(2) are **DISMISSED AS MOOT**. If plaintiffs file an amended consolidated complaint against these defendants, they may reinstate the motions on the same papers by letter request.

s/ William H. Yohn Jr., Judge  
William H. Yohn Jr., Judge